

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Continuation Application of
Applicant: Vandlik et al.

Attorney Docket No. F-5489 CIP 2

Parent Serial No.: 09/976,833

Parent Examiner: P. Bianco

Parent Filed: 13 October 2001

Group Art Unit: 3762

Parent Title: Blood Separation Systems and Methods that Employ an In-Line Leukofilter
Mounted in a Restraining Fixture

SUBMISSION OF INFORMATION DISCLOSURE STATEMENT
WITH REMARKS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Ladies and Gentlemen:

Applicant is filing an Information Disclosure Statement for consideration in the prosecution of this continuation application. The Statement contains the documents that were of record in the Parent Application, and -- accordingly -- copies of these documents do not accompany the Statement.

Document PCT WO 02/083200 is also listed in the Statement, and a copy of this document (text in Japanese), along with an English translation, do accompany this Statement. This document claims priority from a Japanese Application that was filed April 13, 2001. The document published October 24, 2002. The document designates the United States for the filing of a counterpart, but applicant has not been able to locate a published counterpart United States Application. Applicant does not believe this document constitutes prior art under 35 U.S.C. § 102 with respect to the subject matter claimed in the instant application.

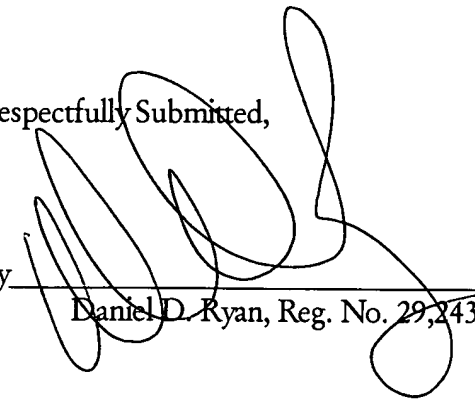
Continuation of Serial No. 09/976,833

IDS With Remarks

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Respectfully Submitted,

By


Daniel D. Ryan, Reg. No. 29,243

RYAN KROMHOLZ & MANION, S.C.

Post Office Box 26618

Milwaukee, Wisconsin 53226

(262) 783 - 1300

976833_Con_IDS

21 January, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Vandlik et al.
Serial No.: Unknown
Filed: 26 January 2004
For: Blood Processing Systems and Methods that Employ an In-Line, Flexible Leukofilter

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN
THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION
(37 CFR 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in S 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

NOTE: The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to S 1.71 and at least one claim pursuant to S 1.75; and (2) any drawing required by S 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by S 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. S 371(c) within the periods set forth in S 1.494 or S 1.495. 35 U.S.C. S 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION
DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed WITHIN THREE MONTHS OF THE FILING DATE OF THE APPLICATION OR DATE OF ENTRY INTO THE NATIONAL STAGE OF AN INTERNATIONAL APPLICATION OR BEFORE THE MAILING DATE OF A FIRST OFFICE ACTION ON THE MERITS, WHICHEVER EVENT OCCURS LAST. 37 CFR 1.97(b).

NOTE "NO CERTIFICATION OR FEE IS DUE WHEN THE FILING IS MADE WITHIN THE ABOVE TIME PERIOD. IT IS ADVISABLE TO ENSURE THAT NO OFFICE ACTION HAS BEEN MAILED IF THE DISCLOSURE STATEMENT IS DELAYED UNTIL AFTER THREE MONTHS FROM FILING.

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

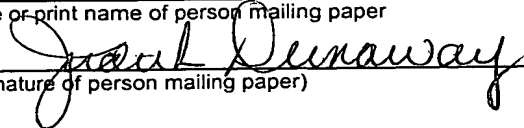
CERTIFICATE OF MAILING (37 CFR 1.8(a)) or (37 CFR 1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below as Express Mail Label No. EV31755959605 in an envelope addressed as follows: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Judith Dunaway

Type or print name of person mailing paper

Date: 26 January 2004


(Signature of person mailing paper)

- NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- WARNING: "A PETITION FOR SUSPENSION OF ACTION TO ALLOW APPLICANT TIME TO SUBMIT AN INFORMATION DISCLOSURE STATEMENT WILL BE DENIED AS FAILING TO PRESENT GOOD AND SUFFICIENT REASONS, SINCE 37 CFR 1.97 PROVIDES ADEQUATE RECOURSE FOR THE TIMELY SUBMISSION OF PRIOR ART FOR CONSIDERATION BY THE EXAMINER." NOTICE OF JULY 6, 1992 (1141 O.G. 63).

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima face* prior art reference against the claims of the present application.

COPIES OF THE DOCUMENTS LISTED ON THE ATTACHED FORM PTO-1449 CAN BE FOUND IN THE FILE WRAPPER OF PARENT APPLICATION SERIAL NO. 09/976,833 FILED 13 OCTOBER 2001 AND ARE THEREFORE NOT INCLUDED WITH THIS SUBMISSION. COPIES OF DOCUMENTS IDENTIFIED WITH AN ASTERISK (*) ARE ENCLOSED.

Should any fees be necessary in connection with this submission, please charge same to Account No. 06-2360.

Date 26 January 2004

Reg. No. 29,243

Telephone No.: (262) 783-1300



Signature of Attorney of Record

Daniel D. Ryan

Type or Print Name of Attorney of Record

RYAN KROMHOLZ & MANION, S.C.

Post Office Box 26618

Milwaukee, Wisconsin 53226-0618

LIST OF PRIOR ART CITED BY APPLICANT <i>(Use several sheets if necessary)</i>	ATTY DOCKET NO. F-5489 CIP 2 CON	SERIAL NO.
	APPLICANT Vandlik et al.	
	FILING DATE	GROUP

U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	4,778,451	10/18/88	Kamen			
	4,479,760	10/30/84	Bilstad et al.			
	4,479,762	10/30/84	Bilstad et al.			
	4,808,161	02/28/89	Kamen			
	4,865,584	09/12/89	Epstein et al.			
	5,062,774	11/05/91	Kramer et al.			
	5,088,515	02/18/92	Kamen			
	5,108,367	04/28/92	Epstein et al.			
	5,178,182	01/12/93	Kamen			
	5,193,990	03/16/93	Kamen et al.			
	5,350,357	09/27/94	Kamen et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation	
							Yes	No
		WO98/22165		PCT				
		WO 98/22163		PCT				
		WO 96/40328		PCT				
		WO 95/20985		PCT				
		WO 97/09074		PCT				

OTHER PRIOR ART *(Including Author, Title, Date, Pertinent Pages, Etc.)*

			Therakos Brochure Circa 1998

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this of with next communication to applicant.
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Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	5,421,823	06/06/95	Kamen et al.			
	5,431,626	07/11/95	Bryant et al			
	5,437,624	08/01/95	Langley			
	5,438,510	08/01/95	Bryant et al			
	5,474,683	12/12/95	Bryant et al			
	5,628,908	5/13/97	Kamen et al			
	5,634,896	06/03/97	Bryant et al			
	5,651,766	07/29/97	Kingsley et al			
	5,676,644	10/14/97	Toavs et al			
	5,746,719	05/05/98	Farra et al			
	5,755,683	05/26/98	Houle et al			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation	
							Yes	No
		W0 97/02059		PCT				
		EP 0771569		EP				
		WO 96/40319		PCT				

OTHER PRIOR ART *(Including Author, Title, Date, Pertinent Pages, Etc.)*

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U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	5,769,811	06/23/98	Stacey et al.			
	5,938,634	08/17/99	Packard			
	5,951,509	09/14/99	Morris			
	6,106,498	08/22/00	Friedli et al			
	5,722,947	03/03/98	Jeppsson et al.			
	4,816,019	03/28/89	Kamen			
	4,077,882	3/7/78	Gangemi			
	4,858,883	8/22/89	Webster			
	6,071,423	6/6/00	Brown et al			
	4,119,120	10/10/78	Mehaffy et al			
	B1 5,344,568	9/7/99	Kitaevich et al			

FOREIGN PATENT DOCUMENTS

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							Yes	No

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U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	5,746,708	5/5/98	Giesler et al			
	4,828,543	5/9/89	Weiss et al.			
	4,486,189	12/4/84	Troutner et al.			
	4,479,761	10/30/84	Bilstad et al			
	5,921,951	7/13/99	Morris			
	5,593,290	1/14/97	Greisch et al.			
	4,285,464	8/25/81	Latham Jr.			
	4,776,964	10/11/88	Schoendorfer et al.			
	5,762,791	6/9/98	Deniega et al			
	5,738,796	4/14/98	Bormann et al			
	5,462,416	10/31/95	Dennehey et al.			

FOREIGN PATENT DOCUMENTS

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	5,989,438	11/23/99	Fumiyama			
	5,482,440	1/9/96	Dennehey et al			
	5,871,693	2/16/99	Lindsay			
	5,311,908	5/17/94	Barone et al.			
	5,273,517	12/28/93	Barone et al			
	4,965,846	10/23/90	Williamson IV			
	4,410,341	10/18/83	Edwards et al.			
	3,681,899	8/8/72	Grote			
	5,178,603	1/12/93	Prince			
	4,954,128	9/4/90	Ford			
	4,447,191	5/8/84	Bilstad et al			

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	4,481,827	11/13/84	Bilstad et al			
	4,526,515	7/2/85	DeVries			
	5,232,437	8/3/939	Lysaght et al			
	5,588,816	12/31/96	Abbott et al.			
	RE 36,871	9/12/00	Epstein et al			
	5,795,317	8/18/98	Brierton et al.			
	5,746,708	05/1998	Giesler et al.			
	5,738,796	04/1998	Bormann et al.			
	5,954,971	09/1999	Pages et al.			
	5,690,815	11/25/1997	Kransoff et al.			
	6,106,727	08/22/2000	Kransoff et al.			
	6,322,709	11/27/2001	Kransoff et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
		JP2003-52808	2003	Japan (with English Translation			YES
		JP 2001-149444	2001	Japan (with English Translation)			YES
	*	WO 02/083200	10/24/2002	PCT (with English Translation)			YES

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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